

REMARKS/ARGUMENTS

As originally filed, the present application presented claims 1 through 22 for examination. Claims 1, 9, 17, 18, 20, and 22 were amended in the 1.111 amendment filed on March 7, 2005. Applicants have amended claims 1, 12, 18, 20, and 22 in accordance with the substance of the interview granted by the Examiner on October 5, 2005 (interview summary attached).

By action taken here, Applicants in no way intend to surrender any range of equivalents beyond that needed to patentably distinguish the claimed invention as a whole over the prior art. Applicants expressly reserve all such equivalents that may fall in the range between Applicants' literal claim recitations and combinations taught or suggested by the prior art.

I. Applicants' Invention

It is respectfully suggested, as was pointed out during the interview, that the combination of references as presented does not render obvious Applicants' invention in that the combination does not solve the problem which Applicants sought to overcome. Specifically, Applicants sought to provide a single mirror surface comprising two mirror elements or segments, which operate in cooperation one with the other to provide a single planar surface during normal vehicle operation; and, a rearward directed mirror element and a downward directed mirror element during backing. The relationship between the two mirror elements or segments is such that one element pivots or rotates with respect to the other about an axis formed between the two segments to provide the downward or curb view from one element, during backing, while the other maintains its original position.

II. Rejection of the Claims

In the final Office Action the Examiner pointed out that, although Applicants argue the cooperative aspect of the two mirror segments or elements, this functional language was not presented fully in the claims as amended in the previously filed §1.111 response. Specifically, the Examiner noted, in response to Applicants' amendments to the claims and argument, that the cooperative language was not present in the claims. This response, containing the above referenced amended claims, in accordance with the interview, corrects this oversight.

The Examiner rejected claims 1-6, 9-14, and 17-22 under 35 U.S.C. §103(a) as being unpatentable over Scifres (US 4022520) in view of Vu (US 4890907).

Further, the Examiner rejected claims 7, 8, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Scifres in view of Vu as applied to claims 1 and 12 above, and further in view of either McDonough (US 5052792) or JP 58-4647 (JP'647).

III. Argument

The Examiner has withdrawn his original objection to the drawings. As was pointed out during the interview, the reference Vu (US 4890907), relied upon to show the downward movement of a separately housed mirror element, does not show the pivoting of the two mirror elements about their common axis as now presented in the amended claims. Thus, Vu cannot provide a single planar reflective surface while the vehicle is in normal operating mode.

As is set out in Applicants' Application at paragraph 0023,

"The outside, remote rear-view mirror system presents the driver an efficient, full, rear-view during normal driving operations from both mirror elements, in tandem, as if they were a single reflective surface. Thus, during normal driving, i.e. not backing up, the mirror elements act as a standard exterior rearview mirror. In this mode, even though the mirror elements can move independently, they can be adjusted in a conventional manner as a single reflective surface. During backing, however, one surface is tilted to view, for example, the curb, while the other remains in its previous position providing the driver an efficient rear-view. Upon completion of the backing maneuver, the reflective surface that has been tilted to view the curb, returns to its previous position such that both surfaces once again present the driver an efficient, full, single rear-view. In this manner the driver, while backing can see both the normal rearward view, as well as the downward view." (Emphasis added)

Further, as set forth in the drawings, in order to accomplish the above, one element pivots or rotates with respect to the other along an axis formed between the elements (see Figure 2). As shown in Figure 3, the driver has a full planar view using both of the elements, but the lower element moves or "pivots" about the common axis or interface upon placing the vehicle in reverse (Figure 4). Thus, there is support in the specification for the amendments made herein to the claims.

IV. Conclusion

In accordance with the interview, Applicants have amended all the claims to incorporate the cooperation of the two mirror elements during normal conditions, and those during backing wherein the second mirror segment pivots or moves about an axis formed by the two elements

to provide a downward (curbside) view by the second mirror element, while the first mirror element maintains its rearward view.

Early and favorable action is requested.

Date: October 10, 2005

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Signature of Practitioner

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1.111 Amendment.doc 50089.0001

Interview Summary	Application No.	Applicant(s)	
	10/801,438	MEYER ET AL.	
	Examiner	Art Unit	
	Mark A. Robinson	2872	

All participants (applicant, applicant's representative, PTO personnel):

(1) Mark A. Robinson.

(3) _____

(2) Lee Meyer.

(4) _____

Date of Interview: 05 October 2005.



Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: all.

Identification of prior art discussed: Scifres and Vu of record.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed proposed amendments to the claims concerning specific functional language about the positioning of the mirrors and the specific pivoting arrangement of the mirror(s). These amendments appear to overcome the rejection based on Scifres and Vu, pending further consideration.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

MARK A. ROBINSON
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.



Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

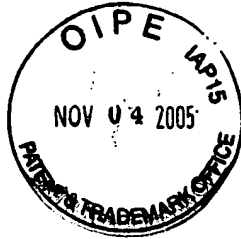
Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



GROUP 2870 FACSIMILE TRANSMISSION



Date: 10/5/05

To: Lee Meyer — Courtesy Copy of PTO-413
(Name)

(Company or Firm)

303-699-0548
(Fax Number)

From: Mark Robinson
(Name)

(Fax Number)

571-272-2319
(Telephone Number)

Number of pages including this page: 3

If you have not received all pages of this transmission, please contact

above of Examining Group 2870 at _____

as soon as possible.